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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,786	06/14/2000	Ivan Henri Robert Darius	10121:16	7757

7590 11/07/2002
Slater & Matsil LLP
17950 Preston Rd
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EXAMINER

SHIH, SALLY

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/593,786

Applicant(s)

DARIUS ET AL.

Examiner

Sally Shih

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Title

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

MORTGAGE INFORMATION EXCHANGE PLATFORM FOR A BROKER TO
SELECT A MORTGAGE LENDER

Oath/Declaration

Applicant has not given a post office address anywhere in the application papers as required by 37 CFR 1.33(a), which was in effect at the time of filing of the oath or declaration.

A statement over applicant's signature providing a complete post office address is required.

It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description: "Mortgage Broker" and "Wholesale Lender" were not labeled with the numbers 304 and 306 respectively in Figure 1

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and Figure 5. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim1 is rejected under 35 U.S.C. 102(e) as being anticipated by Fraser et al. (United States Patent Number 5,995,947).

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Regarding Claim 1: A method operative on a web server to facilitate a web-based information exchange [See column 14, lines 66-67 and column 15, lines 1-5] between a broker and a set of wholesale lenders, comprising:

Exposing to the broker a set of one or more generic mortgage lender profiles; [See column 15, lines 8-14 and Fig. 2].

Responsive to entry by the broker of given data, applying a given generic mortgage lender profile to the data to identify a set of one or more specific wholesale lenders who meet criteria specified in the given data; [See column 15, lines 15-21 and Fig. 2].

Responsive to selection by the broker of one of the specific wholesale lenders, exposing to the broker a specific mortgage lender profile instantiated with a set of unique lender characteristics for use by the broker in completing a mortgage transaction; [See column 15, lines 25-30 and Fig. 2].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Fraser et al. in view of Dykes et al. (United States Patent Number 6,438,526 B1).

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Regarding **Claim 2**: The method as described in Claim 1 wherein the set of unique lender characteristics includes a rate sheet. [See column 10, lines 33-41 and Figure 2c].

Regarding **Claim 3**: The method as described in Claim 1 wherein the set of unique lender characteristics includes an eligibility matrix. [See Figures 2e and 2f].

Regarding **Claim 4**: The method as described in Claim 1 wherein the set of unique lender characteristics includes a lock sheet. [See Figures 7a, 7b, 8a and 8b].

Regarding **Claim 5**: The method as described in Claim 1 further including the step of displaying to the broker mortgage rates and prices. [See column 10, lines 45-47].

Regarding **Claim 6**: The method as described in Claim 1 further including the step of having the broker locked a loan online. [See column 10, lines 48-52].

Fraser et al. discloses a method operative on a web server to facilitate a web-based information exchange. Fraser et al. also discloses the steps of showing a broker a number of generic mortgage lenders, showing the broker a specific lender in response to the criteria specified by the broker and accepting the bid the bid by the broker. However, Fraser et al. does not disclose the use of a rate sheet, an eligibility matrix, a lock sheet, the step of displaying the mortgage rates and prices and the step of locking a loan online by a broker. Dykes et al. discloses a method for collecting and disseminating loan information over a network connection includes the use of a rate sheet, an eligibility matrix, a lock sheet, the step of displaying the mortgage rates and prices and the step of locking a loan online by a broker. [See column 10, lines 36-52]. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a rate sheet, an eligibility matrix, a lock sheet and display mortgage rate and prices

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and having the lock the rate online. One of ordinary skill in the art would have been motivated to do this because mortgage is a substantial part of the loan industry and having the mortgage locked in completes the transaction instantly. The lender would secure a client at that moment instead of having a potential client.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. United States Publication Number 2002/0029188 A1 is cited of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7658 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sys
October 29, 2002


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600